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09/918,185	07/30/2001	Alan Tsu-I Young	STL920000090US1	2703

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EXAMINER

VO, LILIAN

ART UNIT PAPER NUMBER

2195

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/918,185

Applicant(s)

YAUNG, ALAN TSU-I

Examiner

Lilian Vo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1 - 48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 - 48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. Claims 1 – 48 are pending.

#### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 33 – 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. A single claim which claims both an apparatus and the method steps of using the apparatus is indefinite under 35 U.S.C. 112, second paragraph. In *Exparte Lyell*, 17 IJSPQ 2d 1548 (Bd. Pat. App. & Inter. 1990), a claim directed to an automatic transmission workstand and the method steps of using it was held to be ambiguous and properly rejected under 35 U.S.C. 112, second paragraph.

In **claim 33**, it is unclear whether an article of manufacture or a program code or a process of enabling access to a plurality of service engines is claimed. With an article of manufacture recited in the preamble, one would expect to find in the body of the claim with means or devices having functions to enabling access to a plurality of service engines. However, one only found method steps for enabling access to a plurality of service engines.

Appropriate correction is required.

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1 - 48 are rejected under 35 U.S.C. 101 because they are directed to non-statutory subject matter.

7. **Claims 1 – 16** are directed to method steps, which can be practiced mentally in conjunction with pen and paper, therefore they are directed to non-statutory subject matter. Specifically, as claimed, it is uncertain what performs each of the claimed method steps. Moreover, each of the claimed steps, inter alia, providing, instantiating, receiving, returning, accessing, using, translating, can be practiced mentally in conjunctions with pen and paper. The claimed steps do not define a machine or computer implemented process [see MPEP 2106]. Therefore, the claimed invention is directed to non-statutory subject matter. (The examiner suggests applicant to change “method” to “computer implemented method” in the preamble to overcome the outstanding 35 U.S.C. 101 rejection).

8. Regarding **claims 17 - 32**, the system is at best a software system, per se, failing to be tangibly embodied or include any recited hardware as part of the system.

9. **Claims 33 - 48**, which claim both an apparatus and the method steps of using the apparatus should also be rejected under 35 U.S.C. 101, *Ex parte Lyell*, 17 USPQ 2d 1548 (Bd. Pat. App. & Inter. 1990), based on the theory that the claim is directed to neither a “process” nor a “machine” but rather embraces or overlaps two different

statutory classes of invention set forth in 35 U.S.C. 101 which is drafted so as to set forth the statutory classes of invention in the alternative only. *Id.* at 1551.

Correction is required.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 – 10, 13, 15, 17 – 26, 29, 31, 33 – 42, 45 and 47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putzolu et al. (US 6,681,243, hereinafter Putzolu) in view of Rajarajan et al. (US 2002/0143949, hereinafter Rajarajan).

12. Regarding **claim 1**, Putzolu discloses a method for enabling access to a plurality of service engines, wherein each service engine enables access to service resources (abstract, col. 7, line 60 – col. 8, line 12), comprising:

providing a plurality of service class implementations for service engines from different vendors, wherein each service class implementation provides an implementation of methods and objects from a same abstract service class (abstract, col. 7, line 41 – col. 8, line 10);

instantiating a service object for one service engine in response to at least one called method from one of the service class implementations, wherein the service object includes information on the service engine (col. 7, lines 41 – lines 59, col. 14, lines 42 – 67, fig. 7);

using the service object to access the requested information to return to the method call (col. 14, lines 42 - 67).

Putzolu however did not clearly disclose the step of providing a plurality of service class implementations for service engines from different vendors, wherein each service class implementation provides an implementation of methods and objects from a same abstract service class and receiving method calls requesting information on service engine resources for one named service from one service class implementation which is from a same abstract class. Nevertheless, Rajarajan discloses these features in page 2, paragraph 001, page 12, paragraph 0101, page 7, paragraph 0072 – 0074, and page 20, paragraph 0175). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to incorporate the teaching from Rajarajan to Putzolu's because accessing different resources in this manner is time consuming and requires a mastery of many types of applications and front-ends (Rajarajan: page 1, paragraph 0007).

13. Regarding **claim 2**, Rajarajan discloses the method calls are received from at least one application program including methods from at least one of the service class implementations to access information on at least one service from the service objects (page 2, paragraph 0011 and page 12, paragraph 0101).

14. Regarding **claim 3**, Rajarajan discloses the services include workflow products from different vendors (page 20, paragraph 0175).

15. Regarding **claim 4**, Rajarajan discloses the workflow service class implementations from different vendors each includes methods and objects from a same abstract workflow service class specifying methods and objects to include in all workflow service class implementations (page 2, paragraph 001, page 12, paragraph 0101, page 7, paragraph 0072 – 0074, page 20, paragraph 0175).

16. Regarding **claim 5**, Rajarajan discloses the abstract workflow service class specifies a method to determine a data store used by resources in the service, wherein the workflow service class implementations for the workflow services implement a method to determine from the service object for the service the data store used by the service (page 2, paragraphs 11 - 12).

17. Regarding **claim 6**, Putzolu discloses the abstract workflow service class specifies methods to access information on workflows, workflow templates, and worklists (col. 7, lines 41 - 60).

18. Regarding **claim 7**, Putzolu discloses wherein the abstract workflow class specifies a method for a user to connect to the workflow service by passing user information that is used to authenticate the user to access the workflow service, and wherein the workflow service class implementations include methods to enable a connection between a user and one workflow service (col. 7, lines 41 – 60, col. 15, lines 50 – 67, col. 16, lines 17 – 37).

19. Regarding **claim 8**, Putzolu discloses the step of receiving a method call for the user to connect specifying a user name, authentication information, and one service; instantiating a

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connection object if authentication passed including information on the specified user name, authentication information, and the service engine that can be accessed with the authentication; and returning a handle to the connection object for use in obtaining authentication information to access the service engine specified in the connection object (col. 16, lines 17 – 44, fig. 8).

20. Regarding **claim 9**, Putzolu discloses the connection object is stored in one service object (col. 17, lines 6 - 21).

21. Regarding **claim 10**, Putzolu discloses the steps of receiving one handle to one connection object; and returning the authentication information from the connection object for use in accessing the service resources (col. 16, lines 17 – 44 and fig. 8).

22. Regarding **claim 13**, Rajarajan discloses the information on the service engine is maintained in the service object and wherein using the service object to access the requested information further comprises: if the method call requests information in the service object, returning the requested information from the service object (page 2, paragraphs 11 – 12).

23. Regarding **claim 15**, Putzolu discloses the steps of: accessing authentication from the service object; providing the accessed authentication information to the service engine; using, with the service engine, the accessed authentication information to authenticate access, wherein the service engine executes the method to access the requested information if access is authenticated (col. 16, lines 17 – 44 and col. 17, lines 6 – 21 and fig. 8).



24. **Claims 17 – 26, 29, 31, 33 – 42, 45 and 47** are rejected on the same ground as stated in claims 1 – 10, 13 and 15 above.

25. Claims 11, 12, 14, 16, 27, 28, 30, 32, 43, 44, 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putzolu et al. (US 6,681,243) in view of Rajarajan et al. (US 2002/0143949) as applied to claims 1, 17 and 33 above, and further in view of Wollrath et al. (US 6,487,607, hereinafter Wollrath).

26. Regarding **claim 11**, Putzolu and Rajarajan did not clearly disclose the additional limitation as claimed. Nevertheless, Wollrath discloses wherein the service class implementations for the services include both a client side service class and server side service class, wherein the client side service class includes methods and objects used to access information on resources available at one service engine, and wherein the server side service class includes methods and objects to access information on resources available at one service engine, wherein the client side service class methods are invoked on a client system and the service side service class methods are invoked on a server including the service engine (fig. 6, col. 9, lines 50 – 67, fig. 2, col. 4, lines 27 – 65). It would have been obvious for one of an ordinary skill in the art, at the time the invention was made, to incorporate Wollrath's teaching with the combination of Putzolu and Rajarajan to provide an advantage of not being type-specific so that it may invoke methods of varying types of remote objects (Wollrath: col. 9, lines 60 – 63).

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27. Regarding **claim 12**, Wollrath discloses a call to one method in the client side service class implementation on the client transfers the called method to the server, wherein the called method is executed on the server (col. 4, lines 27 – 44).
28. Regarding **claim 14**, Wollrath discloses if the method call requests information not included in the service object, executing the method to access the requested information from the service engine (fig. 6, col. 9, lines 50 – 67).
29. Regarding **claim 16**, Wollrath discloses the step of accessing the requested information from the service engine further comprises: translating the method to native code capable of being executed by the service engine (abstract, col. 4, lines 39 – 44, col. 9, lines 50 – 67).
30. **Claims 27, 28, 30, 32, 43, 44, 46 and 48** are rejected on the same ground as stated in claims 11, 12, 14 and 16 above.

### *Response to Arguments*

31. Applicant's arguments with respect to claims 1, 17 and 33 have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

32. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lilian Vo whose telephone number is 571-272-3774. The examiner can normally be reached on Monday - Thursday, 7:30am - 5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on 571-272-3756. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist at 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lilian Vo  
Examiner  
Art Unit 2127

lv  
June 8, 2005 .

  
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